

PREMIUM KANSAS

# First State Passes Law Defining Gender as a Person's Biological Sex at Birth



In the past, girls—and their peers—might have self-diagnosed as bulimic or anorexic. Now they may be convincing themselves that they have gender dysphoria when they do not. Social media has amplified the reach of this phenomenon. (Hannamariah/Shutterstock)



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April 29, 2023 Updated: April 29, 2023

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Kansas has become the first state to adopt a definition of gender with the passage of legislation that keeps men, no matter what gender they identify as, out of women's bathrooms, locker rooms, sports, and other intimate spaces.

It also separates inmates and restricts participation in sports by biological sex.

The move came late Thursday afternoon when the state legislature voted to override Kansas Gov. Laura Kelly's veto of S.B. 180, which became known as the "Women's Bill of Rights."

Under it, a female is defined as "an individual whose biological reproductive system is developed to produce ova." A male is defined as "an individual whose biological reproductive system is developed to fertilize the ova of a female."

It also defines gender words calling for "woman" and "girl" to be used to refer to human females and "man" and "boy" to refer to human males. It defines "mother" as a parent of the female sex and "father" as a parent of the male sex.

The override comes a little over a week after Kelly vetoed the bill on April 20. She vetoed the bill after it was passed by a two-to-one margin between Republicans and Democrats in both the House and Senate.

Kelly said she vetoed the legislation because she was concerned it would open the state up to costly discrimination lawsuits, cause the loss of federal funding, and hurt the Sunflower State's economy.

The bill garnered widely diverse support with staunchly pro-choice women's rights groups celebrating the veto.

"Victory!" tweeted the Women's Liberation Front (WOLF), upon news of the veto override.

In rallying for support of the bill, the national women's rights organization, which actually helped craft the legislation, wrote on its website: "This bill takes procedural steps to write into law common sense definitions that ensure the meaning of words like 'woman' and 'mother' aren't corrupted by unelected bureaucrats intent on pushing gender ideology."

The group said members sent more than 600 messages to Kansas lawmakers in support of the bill.

## Opposition Forces

The legislation also had its lion's share of opposition, which called it anti-trans and reminiscent of racial segregation in the 1960s.

"It's the same sayings," state Rep. John Alcala (D-Topeka) said at a public hearing on the bill. "I don't want you in my bathroom, I don't want you drinking out of my water fountain. I don't want you over at my house. I don't want my kid hanging out with you."

Beth Oller, a physician who testified against the bill, said the title was inappropriate and violated women's rights. "This is no way a women's bill of rights. The bill does the opposite of protecting women, it causes harm."

Oller said that medical doctors "for decades have agreed that there is no sufficient way to define what makes a woman."

"Gender is not binary but is a spectrum of biological, mental, and emotional traits that exist along a continuum," she said. "Intersex people exist."

The bill does include a provision that does recognize intersexual individuals. "Individuals born with a medically verifiable diagnosis of disorder/differences in sex development are to be provided available federal and state legal protections," the legislation states.

Opposition to SB 180 also came from the Kansas Superintendents Association, the United School Administrators of Kansas, and Kansas Legal Services.

The Kansas Coalition Against Domestic Violence also opposed the Women's Bill of Rights, which specifically cites women's shelters, rape crisis centers, domestic violence safe havens, and women's prisons as protected places where biological males identifying as females should be restricted.

## Female Spaces in Danger

Following public testimony against the bill by Rev. Carolene Dean, an associate pastor with the Plymouth Congregational Church, Lauren Bone, attorney for WOLF, asked if Dean, a female, “had ever been unfortunate enough to find herself in a domestic violence shelter, rape crisis counseling, or a women’s prison.”

Bone said with many states now opening such places up to men, it has put biological women at “increased risk of further violence and harassment.”

When asked by a Republican lawmaker how many genders there are, Dean replied: “There are as many genders as there are beautiful creations in the world.”

Similar gender-defining bills to the one passed in Kansas are pending in other states, including Oklahoma and Montana.

Nationwide, there have been a number of reports of assaults on women by men identifying as women.

Earlier this month, The Windsor Star reported that a man who identified as a transgender woman was arrested in Ontario on allegations he climbed into bed with a biological woman at a women’s shelter and sexually assaulted her.

There are also several pending civil rights lawsuits filed by attorneys on behalf of female inmates who have reported being raped by men they were incarcerated with because the men claimed to be females. They include one over sexual assaults at the Logan Correctional Center, Illinois’s largest women’s prison.

Last year, as part of a plea deal, transgender prisoner Ramel Blount pled guilty to raping a female prisoner while she was taking a shower. Blount, a biological male who goes by the first name “Diamond,” was housed with women at New York’s Rikers Island prison.

The then 33-year-old admitted to grabbing the female inmate by the neck and holding her down against her will while raping her, according to released statements from the Bronx County District Attorney's Office.

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